IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APPEAL NO.103 OF 2007

Shri Fatumal Thawardas Karara : Appellant

V/s.

Shri Kishinchand Sanwaldas Talreja & Anr. : Respondents

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Mr.J.M.Puranik for the appellant.

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CORAM : S.A.BOBDE, J.

DATE : AUGUST 22, 2007.

P.C.

1. This Second Appeal is preferred against concurrent findings of both the Courts below dismissing the appellant's suit. The appellant claimed a declaration, inter alia, that the respondent no.2 had no right or authority to transfer the electric meter in the name of the respondent no.1 and further for a direction to the respondent no.2 to cancel the entry in respect of the name of the respondent no.1 pertaining to respective meter; and not to issue the bills in the name of the respondent no.1. There is also a claim for damages.

2. The trial Court framed six issues and came to the conclusion that there was no material in the appellant's

claim. The appellate Court considered the matter by framing the points for determination and came to the conclusion that the oral and documentary evidence on record shows that the suit meter was standing in the name of Hardasmal and the said connection was in book no.246 at Ulhasnagar. The appellate Court came to the conclusion that only two bills are placed on record by the appellant in which the same installation number is shown which is now standing in the name of the respondent no.1. The appellate Court held that there is no proof that the installation was in the room occupied by the respondent no.1 and the same connection was transferred by the respondent no.2 in the name of the respondent no.1. The appeal has been decided on a pure question of fact.

3. This appeal does not raise any substantial question of law, even though contended by the learned counsel for the appellant. There is thus no merit in the Second Appeal which is hereby dismissed.

S.A. BOBDE, J.